

**Commonwealth of Kentucky  
Environmental and Public Protection Cabinet  
Department for Environmental Protection  
Division for Air Quality  
803 Schenkel Lane  
Frankfort, Kentucky 40601  
(502) 573-3382**

**Draft**

**AIR QUALITY PERMIT  
Issued under 401 KAR 52:030**

**Permittee Name:** American National Rubber Co., Cadiz Division  
**Mailing Address:** 277 Industrial Drive  
Cadiz, Kentucky 42211

**Source Name:** American National Rubber  
**Mailing Address:** Same as above

**Source Location:** Same as above

**Permit Number:** F-06-058  
**Source A. I. #:** 39970  
**Activity #:** APE20050002  
**Review Type:** Conditional Major Renewal  
**Source ID #:** 21-221-00010

**Regional Office:** Paducah Regional Office  
130 Eagle Nest Drive  
Paducah, Kentucky 42003-0823  
(270)-898-8468

**County:** Trigg

**Application**  
**Complete Date:** October 4, 2005  
**Issuance Date:** To be determined  
**Revision Date:** N. A.  
**Expiration Date:** 5 years after issuance date

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**John S. Lyons, Director  
Division for Air Quality**

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Rev #	Permit type	Log # or Activity ID	Complete Date	Issuance Date	Summary of Action
----	Initial Issuance	53440	01/24/01	04/18/01	Initial Issuance
----	Renewal	APE20050002	10/04/05	See Cover	Renewal

## **SECTION A - PERMIT AUTHORIZATION**

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first submitting a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in 401 KAR 52:030, Federally-enforceable permits for non-major sources.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

## **SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**

**O1 (O1)      HOT AIR OVEN #1**  
Natural gas fired  
3.2 mmBtu/hr rated capacity  
Eclipse 160 AH burner  
Constructed by Young & Bertke, December 1994

**O2 (O2)      HOT AIR OVEN #2**  
Natural gas fired  
5.0 mmBtu/hr rated capacity  
Eclipse 250 AH burner  
Constructed by George Koch & Sons, February 2001

Crontrols: Emissions from O1 and O2 are controlled by a Anguil Environmental Model 80 catalytic oxidizer

**APPLICABLE REGULATIONS:** 401 KAR 59:010, New Process Operations, applies to the particulate matter emissions from units constructed on or after July 2, 1975, which are not subject to another emissions standard with respect to particulates in 401 KAR Chapter 59.

### **1.      Operating Limitations:**

- a. The catalytic oxidizer shall control emissions of particulate matter (PM) from the hot air oven and shall be operated properly in accordance with manufacturer's specifications and/or standard operating procedures as approved by the Division. The permittee has requested this limitation to meet the requirements of 401 KAR 59:010.
- b. The catalytic oxidizer shall control the emissions of volatile organic compounds (VOC) from the hot air oven with a destruction efficiency of at least 70%. This limitation is required to meet the sourcewide emission limit for VOC. Please refer to Section D.

**Compliance Demonstration Method:** Compliance was demonstrated by testing performed on October 30, 2001 for PM and on January 22, 2002 for VOC. The permittee shall record the occurrence, duration, cause, and any corrective action taken for each incident when the particulate matter or VOC emissions were not properly controlled by the catalytic oxidizer.

### **2.      Emission Limitations:**

- a. Mass Emission Limit: Pursuant to 401 KAR 59:010, Section 3(2), the emission rate of particulate matter shall not exceed 2.34 lb/hr.
- b. Opacity Limit: Pursuant to 401 KAR 59:010, Section 3(1), no person shall cause, suffer, allow, or permit any continuous emission into the open air from a control device or stack which is equal to or greater than twenty (20) percent opacity.
- c. Please refer to Section D for sourcewide limitations.

### **Compliance Demonstration Method:**

- a. Compliance with the mass emission limit is demonstrated when the catalytic oxidizer controls the emissions of particulate matter and is operated properly in accordance with

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

manufacturer's specifications and/or standard operating procedures as approved by the Division.

- b. Compliance with the opacity limit is demonstrated by 4. Specific Monitoring Requirements and 5. Specific Recordkeeping Requirements, below.
- c. For compliance with sourcewide emission limits, refer to Section D and subsection 1. Operating Limitations, above.

**3. Testing Requirements:**

Pursuant to 401 KAR 59:005, Section 2(2) and 401 KAR 50:045, Section 1, performance testing using the Reference Methods specified in 401 KAR 50:015 shall be conducted as required by the Division.

**4. Specific Monitoring Requirements:**

- a. The permittee shall calibrate, maintain, and operate according to manufacturer's specifications a monitoring device for the continual measurement of the inlet gas temperature (measured at the preheat chamber outlet) and the outlet gas temperature (measured at the catalyst bed outlet).
- b. The permittee shall perform qualitative visual observations of the opacity of emissions at least once per calendar quarter. If an unusual increase in visible emissions is seen (not including condensed water vapor within the plume), then the opacity shall be determined by Reference Method 9, and an inspection shall be initiated to determine and correct the cause of the increased opacity. The Method 9 readings shall be performed by a representative of the permittee who is certified in visible emissions observations, and the qualitative observations by a representative of the permittee familiar with opacities that would be expected during normal operation.

**5. Specific Recordkeeping Requirements:**

The permittee shall maintain records of the following:

- a. Each incident when particulate matter or VOC emissions were not properly controlled by the oxidizer. This record shall include the date, time, duration, cause, and any corrective action taken.
- b. Continuous records of the temperature at the inlet and outlet of the oxidizer.
- c. All maintenance activities performed at the oxidizer, including preventive maintenance and routine inspections.
- d. The results of the qualitative visual observations and the opacity by EPA Reference Method 9, and their corresponding times and dates, and the names of the persons performing the readings.

All records shall be kept for a period of five years.

**6. Specific Reporting Requirements:**

Please refer to reporting requirements in Section F.5.

**7. Specific Control Equipment Operating Conditions:**

Please refer to Section E.

## **SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

### **P1 (P1) TWO (2) CURE PRESSES**

Baldwin #SO 48555, constructed November 1994

Custom Engineering 1380 ton press, constructed February 2001

Maximum operating rate: 0.405 tons material processed/hour total

Controls: None

**APPLICABLE REGULATIONS:** 401 KAR 59:010, New Process Operations, applies to the particulate matter emissions from units constructed on or after July 2, 1975, which are not subject to another emissions standard with respect to particulates in 401 KAR Chapter 59.

1. **Operating Limitations:** None.

2. **Emission Limitations:**

- a. Mass Emission Limit: Pursuant to 401 KAR 59:010, Section 3(2), the emission rate of particulate matter shall not exceed 2.34 lb/hr.
- b. Opacity Limit: Pursuant to 401 KAR 59:010, Section 3(1), no person shall cause, suffer, allow, or permit any continuous emission into the open air from a control device or stack which is equal to or greater than twenty (20) percent opacity.
- c. Please refer to Section D for sourcewide limitations.

#### **Compliance Demonstration Method:**

- a. Mass Emission Limit: Compliance with the 2.34 lbs/hr PM limit is based on maximum potential emissions of 2.2 lbs/hr, at the maximum operating rate.
- b. Opacity Limit: The permittee shall determine compliance through performance of EPA Reference Method 9 readings as detailed under 4. Specific Monitoring Requirements below.
- c. Refer to Section D for sourcewide limitation compliance demonstration method.

3. **Testing Requirements:**

Pursuant to 401 KAR 59:005, Section 2(2) and 401 KAR 50:045, Section 1, performance testing using the Reference Methods specified in 401 KAR 50:015 shall be conducted as required by the Division.

4. **Specific Monitoring Requirements:**

The permittee shall perform qualitative visual observations of the opacity of emissions at least once per calendar quarter. If an unusual increase in visible emissions is seen (not including condensed water vapor within the plume), then the opacity shall be determined by Reference Method 9, and an inspection shall be initiated to determine and correct the cause of the increased opacity. The Method 9 readings shall be performed by a representative of the permittee who is certified in visible emissions observations, and the qualitative observations by a representative of the permittee familiar with opacities that would be expected during normal operation.

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**5. Specific Recordkeeping Requirements:**

The permittee shall maintain records of the following:

- a. The results of the qualitative visual observations and the opacity by EPA Reference Method 9, their corresponding times and dates, and the names of the persons performing the readings.
- b. A list of all representatives of the permittee that are certified Visible Emissions Evaluators and the date of certification.

All records shall be kept for a period of five years.

**6. Specific Reporting Requirements:**

Please refer to reporting requirements in Section F.5.

## **SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

### **B1 (B1) BOILER**

Natural gas fired  
8.3 mmBtu/hr rated capacity  
Superior 200 HP boiler, February 2001

**APPLICABLE REGULATIONS:** 401 KAR 59:015, New indirect heat exchangers, applies to the particulate emissions and sulfur dioxide emissions of indirect heat exchangers with a capacity of greater than one million BTU per hour that were commenced on or after April 9, 1972 (for indirect heat exchangers with a capacity of 250 million BTU per hour heat input or less).

1. **Operating Limitations:** None.

2. **Emission Limitations:**

- a. Standard for Particulate Matter: Pursuant to 401 KAR 59:015 Section 4, (1) emissions of particulate matter shall not exceed 0.56 lbs/mmBtu actual heat input, and (2) emissions shall not exceed 20 percent opacity.
- b. Standard for Sulfur Dioxide: Pursuant to 401 KAR 59:015 Section 5, emissions of sulfur dioxide shall not exceed 3.0 lbs/mmBtu actual heat input.
- c. Please refer to Section D for sourcewide limitations.

**Compliance Demonstration Method:**

- a. Compliance with the particulate matter, opacity, and sulfur dioxide limits is demonstrated when burning natural gas.
- b. Refer to Section D for the compliance demonstration method for the sourcewide limitations.

3. **Testing Requirements:** None.

4. **Specific Monitoring Requirements:**

The permittee shall monitor and maintain monthly records of natural gas usage.

5. **Specific Recordkeeping Requirements:**

Monthly records of natural gas usage shall be kept for a period of five years.

6. **Specific Reporting Requirements:**

Please refer to reporting requirements in Section F.5.



**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**A1 (A1)      ADHESIVE COATING**  
Solvent-based contact adhesive  
Hand applied with brush

**APPLICABLE REGULATIONS:** None.

1.    **Operating Limitations:** The usage rate of adhesive coating shall not exceed 23.7 tons during any consecutive twelve (12) month period. (Refer to Section D)

**Compliance Demonstration Method:** The permittee shall demonstrate compliance with a monthly calculation of the usage of adhesive coating for the previous twelve (12) months.

2.    **Emission Limitations:** Please refer to Section D for sourcewide limitations.

3.    **Testing Requirements:** None.

4.    **Specific Monitoring Requirements:**  
The permittee shall monitor and maintain records of the monthly usage (in pounds) of adhesive coating.

5.    **Specific Recordkeeping Requirements:**  
Please refer to 4. Specific Monitoring Requirements.  
All records shall be kept for a period of five years.

6.    **Specific Reporting Requirements:**  
Please refer to reporting requirements in Section F.5.

**SECTION C - INSIGNIFICANT ACTIVITIES**

The following listed activities have been determined to be insignificant activities for this source pursuant to 401 KAR 52:030, Section 6. While these activities are designated as insignificant the permittee must comply with the applicable regulation and some minimal level of periodic monitoring may be necessary.

	<u>Description</u>	<u>Generally Applicable Regulation</u>
1.	Six (6) space heaters (S1 through S6) Natural gas, 0.35 mmBtu/hr	None.
2.	Two (2) space heaters (S7, S8) Natural gas, 0.40 mmBtu/hr	None.
3.	Two (2) space heaters (S9, S10) Natural gas, 0.25 mmBtu/hr	None.

## **SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS**

1. As required by Section 1b of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030, Section 26; compliance with annual emissions and processing limitations contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months.
2. Particulate matter, Volatile Organic Compound, Sulfur Dioxide, and Hazardous Air Pollutant emissions, measured by applicable reference methods, or an equivalent or alternative method specified in 40 C.F.R. Chapter I, or by a test method specified in the state implementation plan shall not exceed the respective limitations specified herein.
3. The emissions of any individual Hazardous Air Pollutant (HAP) shall not exceed nine (9) tons and the total emission of combined HAP shall not exceed 22.5 tons during any consecutive twelve (12) month period. Compliance with this limitation is insured by the usage limit of adhesive coating. Refer to Section B.1 for emission unit A1, Adhesive Coating.
4. The emissions of volatile organic compounds (VOC) shall not exceed ninety (90) tons during any consecutive twelve month period. Compliance with this limitation is insured when the catalytic oxidizer properly controls VOC emissions from Hot Air Oven #1 (O1) and Hot Air Oven #2 (O2) with a destruction efficiency of at least 70%. Refer to Section B for specific limitations on O1 and O2, and to Section E for control of the catalytic oxidizer.

## **SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS**

1. Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
2. The catalytic oxidizer shall be maintained regularly in accordance with good engineering practices and recommendations of the respective manufacturer.
3. The permittee shall develop and maintain an operation manual for all control devices. The manual shall be modified as necessary to reflect changes in equipment, manufacturer specifications, and the operating history of the device. Operators of the control devices shall receive training on proper operation and maintenance of the control devices upon employment, upon modification of the manual, and at least annually. The permittee is reminded that some changes in equipment and operation may require prior approval from the Division.

## **SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS**

1. Pursuant to Section 1b-IV-1 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26, when continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
  - a. Date, place (as defined in this permit), and time of sampling or measurements;
  - b. Analyses performance dates;
  - c. Company or entity that performed analyses;
  - d. Analytical techniques or methods used;
  - e. Analyses results; and
  - f. Operating conditions during time of sampling or measurement.
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality [401 KAR 52:030 Section 3(1)(f)1a and Section 1a-7 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
3. In accordance with the requirements of 401 KAR 52:030 Section 3(1)f the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
  - a. Enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation;
  - b. To access and copy any records required by the permit;
  - c. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements.Reasonable times are defined as during all hours of operation, during normal office hours; or during an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.
5. Summary reports of any monitoring required by this permit shall be submitted to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation [Sections 1b-V-1 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030, Section 26].

**SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS (CONTINUED)**

6. The semi-annual reports are due by January 30th and July 30th of each year. All reports shall be certified by a responsible official pursuant to 401 KAR 52:030 Section 22. If continuous emission and opacity monitors are required by regulation or this permit, data shall be reported in accordance with the requirements of 401 KAR 59:005, General Provisions, Section 3(3). All deviations from permit requirements shall be clearly identified in the reports.
7. In accordance with the provisions of 401 KAR 50:055, Section 1 the owner or operator shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows:
  - a. When emissions during any planned shutdowns and ensuing startups will exceed the standards, notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
  - b. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards, notification shall be made as promptly as possible by telephone (or other electronic media) and shall be submitted in writing upon request.
8. The owner or operator shall report emission related exceedances from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Section F.7 above) to the Regional Office listed on the front of this permit within 30 days. Deviations from permit requirements, including those previously reported under F.7 above, shall be included in the semiannual report required by F.6 [Sections 1b-V, 3 and 4 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
9. Pursuant to 401 KAR 52:030, Section 21, the permittee shall annually certify compliance with the terms and conditions contained in this permit by completing and returning a Compliance Certification Form (DEP 7007CC) (or an alternative approved by the regional office) to the Regional Office listed on the front of this permit in accordance with the following requirements:
  - a. Identification of each term or condition;
  - b. Compliance status of each term or condition of the permit;
  - c. Whether compliance was continuous or intermittent;
  - d. The method used for determining the compliance status for the source, currently and over the reporting period.
  - e. For an emissions unit that was still under construction or which has not commenced operation at the end of the 12-month period covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.

## **SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS (CONTINUED)**

- f. The certification shall be postmarked by January 30th of each year. Annual compliance certifications shall be mailed to the following addresses:

Division for Air Quality  
Paducah Regional Office  
130 Eagle Nest Drive  
Paducah, KY 42003-0823

Division for Air Quality  
Central Files  
803 Schenkel Lane  
Frankfort, KY 40601

10. In accordance with 401KAR 52:030, Section 3(1)(d), the permittee shall provide the Division with all information necessary to determine its subject emissions within thirty (30) days of the date the KYEIS emission survey is mailed to the permittee. If a KYEIS emission survey is not mailed to the permittee, then the permittee shall comply with all other emission reporting requirements in this permit.
11. Results of performance test(s) required by the permit shall be submitted to the Division by the source or its representative within forty-five days or sooner if required by an applicable standard, after the completion of the fieldwork.
12. The Cabinet may authorize the temporary use of an emission unit to replace a similar unit that is taken off-line for maintenance, if the following conditions are met:
- a. The owner or operator shall submit to the Cabinet, at least ten (10) days in advance of replacing a unit, the appropriate Forms DEP7007AI to DD that show:
    - i. The size and location of both the original and replacement units; and
    - ii. Any resulting change in emissions;
  - b. The potential to emit (PTE) of the replacement unit shall not exceed that of the original unit by more than twenty-five (25) percent of a major source threshold, and the emissions from the unit shall not cause the source to exceed the emissions allowable under the permit;
  - c. The PTE of the replacement unit or the resulting PTE of the source shall not subject the source to a new applicable requirement;
  - d. The replacement unit shall comply with all applicable requirements; and
  - e. The source shall notify Regional office of all shutdowns and start-ups.
  - f. Within six (6) months after installing the replacement unit, the owner or operator shall:
    - i. Re-install the original unit and remove or dismantle the replacement unit; or
    - ii. Submit an application to permit the replacement unit as a permanent change.

**SECTION G - GENERAL PROVISIONS****1. General Compliance Requirements**

- a. The permittee shall comply with all conditions of this permit. A noncompliance shall be a violation of 401 KAR 52:030 Section 3(1)(b) and a violation of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act). Noncompliance with this permit is grounds for enforcement action including but not limited to the termination, revocation and reissuance, revision, or denial of a permit [Section 1a-2 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
- b. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition [Section 1a-5 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
- c. This permit may be revised, revoked, reopened and reissued, or terminated for cause in accordance with 401 KAR 52:030 Section 18. The permit will be reopened for cause and revised accordingly under the following circumstances:
  - (1) If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to 401 KAR 52:030 Section 12;
  - (2) The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
  - (3) The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the Division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the Division may provide a shorter time period in the case of an emergency.

- d. The permittee shall furnish information upon request of the Cabinet to determine if cause exists for modifying, revoking and reissuing, or terminating the permit; or to determine compliance with the conditions of this permit [Sections 1a- 6 and 7 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
- e. Emission units described in this permit shall demonstrate compliance with applicable requirements if requested by the Division [401 KAR 52:030 Section 3(1)(c)].



## SECTION G - GENERAL PROVISIONS (CONTINUED)

- f. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the permitting authority [401 KAR 52:030 Section 7(1)].
- g. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit [Section 1a-11 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
- h. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance [Section 1a-3 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
- i. Except for requirements identified in this permit as state-origin requirements, all terms and conditions shall be enforceable by the United States Environmental Protection Agency and citizens. [Section 1a-12-b of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
- j. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038 Section 3(6) [Section 1a-9 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
- k. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance [401 KAR 52:030 Section 11(3)].
- l. This permit does not convey property rights or exclusive privileges [Section 1a-8 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
- m. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Cabinet or any other federal, state, or local agency.
- n. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry.
- o. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders.

## **SECTION G - GENERAL PROVISIONS (CONTINUED)**

- p. This permit consolidates the authority of any previously issued PSD, NSR, or Synthetic Minor source preconstruction permit terms and conditions for various emission units and incorporates all requirements of those existing permits into one single permit for this source.
- q. Pursuant to 401 KAR 52:030, Section 11, a permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of permit issuance. Compliance with the conditions of this permit shall be considered compliance with:
  - (1) Applicable requirements that are included and specifically identified in this permit; and
  - (2) Non-applicable requirements expressly identified in this permit.

### **2. Permit Expiration and Reapplication Requirements**

- a. This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division [401 KAR 52:030 Section 12].
- b. The authority to operate granted through this permit shall cease to apply if the source fails to submit additional information requested by the Division after the completeness determination has been made on any application, by whatever deadline the Division sets [401 KAR 52:030 Section 8(2)].

### **3. Permit Revisions**

- a. Minor permit revision procedures specified in 401 KAR 52:030 Section 14(3) may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of 401 KAR 52:030 Section 14(2).
- b. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority within ten (10) days following the transfer.

### **4. Construction, Start-Up, and Initial Compliance Demonstration Requirements**

No construction authorized by this permit.

## **SECTION G - GENERAL PROVISIONS (CONTINUED)**

### **5. Testing Requirements**

- a. Pursuant to 401 KAR 50:045 Section 2, a source required to conduct a performance test shall submit a completed Compliance Test Protocol form, DEP form 6028, or a test protocol a source has developed for submission to other regulatory agencies, in a format approved by the cabinet, to the Division's Frankfort Central Office a minimum of sixty (60) days prior to the scheduled test date. Pursuant to 401 KAR 50:045, Section 7, the Division shall be notified of the actual test date at least Thirty (30) days prior to the test.
- b. Pursuant to 401 KAR 50:045 Section 5, in order to demonstrate that a source is capable of complying with a standard at all times, any required performance test shall be conducted under normal conditions that are representative of the source's operations and create the highest rate of emissions. If [When] the maximum production rate represents a source's highest emissions rate and a performance test is conducted at less than the maximum production rate, a source shall be limited to a production rate of no greater than 110 percent of the average production rate during the performance tests. If and when the facility is capable of operation at the rate specified in the application, the source may retest to demonstrate compliance at the new production rate. The Division for Air Quality may waive these requirements on a case-by-case basis if the source demonstrates to the Division's satisfaction that the source is in compliance with all applicable requirements.
- c. Results of performance test(s) required by the permit shall be submitted to the Division by the source or its representative within forty-five days or sooner if required by an applicable standard, after the completion of the fieldwork.

### **6. Acid Rain Program Requirements**

- a. If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.

### **7. Emergency Provisions**

- a. Pursuant to 401 KAR 52:030 Section 23(1), an emergency shall constitute an affirmative defense to an action brought for noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or other relevant evidence that:
  - (1) An emergency occurred and the permittee can identify the cause of the emergency;
  - (2) The permitted facility was at the time being properly operated;
- (3) During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and,

## SECTION G - GENERAL PROVISIONS (CONTINUED)

- (4) The permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division within two (2) working days of the time when emission limitations were exceeded due to an emergency. The notice shall include a description of the emergency, steps taken to mitigate emissions, and the corrective actions taken.
    - (5) Notification of the Division does not relieve the source of any other local, state or federal notification requirements.
  - b. Emergency conditions listed in General Provision G.7.a above are in addition to any emergency or upset provision(s) contained in an applicable requirement [401 KAR 52:030 Section 23(3)].
  - c. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof [401 KAR 52:030 Section 23(2)].
8. Ozone depleting substances
- a. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
    - (1) Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
    - (2) Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
    - (3) Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
    - (4) Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166.
    - (5) Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
    - (6) Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
  - b. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, *Servicing of Motor Vehicle Air Conditioners*.

## **SECTION G - GENERAL PROVISIONS (CONTINUED)**

### **9. Risk Management Provisions**

- a. The permittee shall comply with all applicable requirements of 401 KAR Chapter 68, Chemical Accident Prevention, which incorporates by reference 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:

RMP Reporting Center  
P.O. Box 1515  
Lanham-Seabrook, MD 20703-1515.

- b. If requested, submit additional relevant information to the Division or the U.S. EPA.

## **SECTION H - ALTERNATE OPERATING SCENARIOS**

N. A.

## **SECTION I - COMPLIANCE SCHEDULE**

N. A.

## **SECTION J – ACID RAIN**

N.A.